

REMARKS

Claims 1-19 are presently pending and stand variously rejected under 35 U.S.C. §§ 102 and 103. Claim 1 has been amended herein to further clarify that the junction members each have different light-activation properties. Therefore, each junction is cleavable by application of a different wavelength of electro-magnetic radiation. *See, e.g.*, page 4, lines 24-29 of the specification. In addition, the dependencies of claims 8 and 9 have been corrected. Thus, claims 1-19 are pending as shown above. The foregoing amendments are made solely to expedite prosecution. No new matter has been added as a result of this amendment and entry thereof is respectfully requested.

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I. REJECTIONS UNDER 35 U.S.C. § 102(e)

A. Claims 1, 5, 6 and 10 over Camrud

Claims 1, 5, 6 and 10 remain rejected as allegedly anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,258,117 (hereinafter "Camrud") for the reasons of record. Specifically, Figs 1A, 2A and 8A are alleged to illustrate a stent or coil having a plurality of detachment junctions, where said junctions are inherently capable of being cleaved by a different wavelength of electromagnetic radiation. (Office Action, page 2). The functional limitation regarding cleaving of the junction members by different wavelengths of light is alleged not to carry any weight in the absence of distinguishing structure. (Office Action, page 3).

Claim 1 has been amended herein to make explicit structural features of the devices and assemblies, namely that the each junction member has different light-activation properties than the other junction members. In contrast, each junction member in Camrud has the same light-activation properties because each is made of the same breakable or degradable material and, as such, each has the same light-activation properties. *See, e.g.*, col. 7, lines 44-45; col. 2, lines 12-14; col. 5, lines 9-11; col. 8, lines 20-23; and col. 9, lines 9-11. Thus, as previously noted, Camrud does not disclose devices in which the junction members have different light-activation properties. Accordingly, in view of the foregoing amendments, the rejection has been obviated and withdrawal thereof is respectfully requested.

B. Claims 1-7, 10, 11, 13, 15 and 16 over Lee

Claims 1-7, 10, 11, 13, 15 and 16 remain rejected as allegedly anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 6,086,599 (hereinafter "Lee"). It is maintained that the plurality of detachment members of Lee's devices are inherently capable of being cleaved by a different wavelength of electromagnetic radiation. (Office Action, page 3). The functional

limitation regarding cleaving of the junction members by different wavelengths of light is alleged not to carry any weight in the absence of distinguishing structure. (Office Action, page 3).

Applicants again submit that the Office has improperly found that the functional limitations "do not carry any weight." (Office Action, pages 2 and 3). Nonetheless, to expedite prosecution, claim 1 (from which claims 2-6, 10, 11, 13, 15 and 16 all directly or ultimately depend) has been amended herein to make explicit the structure of the claimed devices and assemblies. In particular, claim 1 explicitly recites that in order to be cleaved by different wavelengths of electro-magnetic radiation, each of the junction member has different light-activation properties than the other junctions. In contrast, Lee refers to the use of junction members wherein each junction member has the same light-activation properties. (*See, e.g.*, claim 1 and col. 4, lines 8 to 18 of Lee). Thus, the structure of Lee's devices is completely different than that of the claimed devices.

In view of the foregoing amendments and remarks, withdrawal of this rejection is respectfully requested.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 8 and 9 as allegedly obvious over Lee. Furthermore, claims 12, 17-19 stand rejected as allegedly obvious over Lee in view of U.S. Patent No. 6,102,917 (hereinafter "Maitland"). (Office Action, pages 3-4). Lee is cited as above with regards to claim 1-7, 10, 11, 13, 15 and 16. Maitland is cited for teaching that laser energy can be applied to release an object from a catheter. (Office Action, page 4).

As acknowledged by the Office, Lee does not teach or suggest devices or assemblies having multiple junctions in which each junction has different light-activation properties as compared to the other junction members. Indeed, as a result of the junction members having different structures (having different light activating properties), each junction member is cleavable by the application of a different wavelength of light. Therefore, Lee does not alone or in combination with Maitland render the pending claims obvious. Accordingly, Applicants request that this rejection be withdrawn.


CONCLUSION

For the reasons discussed above, Applicants submit that the claims are in condition for allowance and request early notification to that effect.

If the Examiner has any further issues or wishes to discuss any of the foregoing, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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By: 
Dahna S. Pasternak
Registration No. 41,411
Attorney for Applicants

ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303
Telephone: 650-493-3400
Facsimile: 650-493-3440